



3. GENERAL SECTION

3.1. RESOURCE CONSENT APPLICATIONS

3.1.1. OVERVIEW

Section 75 of the Act requires Council to set out in the District Plan what information is to be submitted with an application for a resource consent.

This Section sets out Council's Objectives and Policies in respect of this issue, and then states what information should be included in any resource consent application. This Section also establishes in what circumstances further information may be requested; and issues relating to requests for Plan changes.

Where an activity can be classified as a permitted activity, no further resource consent from Council is required to establish the activity in any building or on land within the Resource Area where the activity is permitted. Where an activity is permitted subject to conditions, then the activity cannot proceed until such time as the conditions are complied with (refer to appropriate Resource Areas). Developers and resource users should therefore be aware that in some instances proof of compliance will be required before a building consent will be issued or the activity can proceed. This will be the case in respect of:

- (i) Hazard prone areas (see 3.1.3 (vii) below)
- (ii) Areas of potential instability, slippage, or subsidence (see 3.1.3 (viii) below)
- (iii) Areas without reticulated sewerage schemes (see 3.1.3 (vi) below)
- (iv) Provision of evidence of an appropriate level of services
- (v) Developments that may invoke the Financial and Reserve requirements (see Section 3.8 Financial and Reserve Requirements)
- (vi) Height and location of buildings in respect of yard requirement.
- (vii) Open space requirements
- (viii) Access, parking, loading and manoeuvring requirements
- (ix) Landscaping requirements
- (x) Reports detailing how noise and other adverse effects are to be mitigated to comply with performance standards
- (xi) Locations of areas of fill and excavation
- (xii) Location of services and connections (sewerage, stormwater, power, telephone)

Applicants should be aware that in some circumstances other consents may be required from other consent authorities, particularly the Otago Regional Council.

Circumstances can exist where an activity is a permitted activity within the provisions of this District Plan but may still require the consent of, for example, the Regional Council, relative to discharges to air or discharges to water.

The various types of resource consent are set out in section 87 of the Act. The functions of the Otago Regional Council are set out in Schedule 6.8 on page 307.

3.1.2. OBJECTIVES AND POLICIES

OBJECTIVE APP.1

To ensure Council is able to make clear decisions on resource consents and environmental issues.

Explanation

As a consent granting authority, Council is publicly accountable for its decisions in respect of the District Plan and the Resource Management Act 1991. Decision-making based on informed knowledge will inevitably result in better decisions.

POLICY APP.1

To require that technical information and the Assessment of Environmental Effects that must accompany all applications under the Act or this District Plan to be sufficient, clear, concise, and relevant.

Explanation

Resource consent applications, proposals for requirements, and plan changes can involve complex environmental, cultural, and socioeconomic issues. Technical information is required to document the various aspects of the resource use on the receiving environment. The manner in which the technical information is written and presented will assist in the democratic process of decision-making, can assist in reducing uncertainties, and will improve the understanding of those who are likely to be affected by a resource consent application. Moreover, if the technical information is clearly and concisely presented, Council should not have difficulty deciphering information on which decisions are made.

Furthermore, Section 88 of the Act requires that an assessment of any actual or potential effects of an activity accompany any application for resource consent. This assessment is to be in accordance with the Fourth Schedule of the Act.

POLICY APP.2

Where technical information is required with a resource consent, to require that it is prepared by persons technically competent in their respective fields.

Explanation

The role of the technical expert is crucial in dealing with resource consents. Technical experts enjoy a privileged position because of their training, knowledge, and experience. They are able to assess the effects of proposals on the environment and the mitigation of adverse effects, with a high degree of certainty. To maintain the integrity of technical information, it should be prepared by the appropriate people.

3.1.3. INFORMATION TO ACCOMPANY ALL RESOURCE CONSENT AND OTHER APPLICATIONS UNDER THE ACT OR THIS PLAN

All resource consent applications, and notice of requirements pursuant to Sections 168 and 189 of the Resource Management Act, shall be in the prescribed form accompanied with appropriate fee, and shall include, where appropriate, the following:

- (i) A comprehensive description of the activity for which consent is sought;
- (ii) Details of the activities location including, copies of all relevant certificates of title, and a site and location plan.
- (iii) A statement, on how the proposal:
 - does or does not comply with the rules, policies and objectives of the Plan
 - does or does not comply with the purpose and principles of the Act
- (iv) An assessment of any actual or potential effects that the activity may have on the environment, and the way in which any adverse effects may be mitigated. Any such assessment of effects shall:
 - (a) be prepared in accordance with the Fourth Schedule of the Act, and
 - (b) shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment, and
 - (c) shall address those matters listed in the plan, and
 - (d) in respect of an application for a controlled activity or a restricted discretionary activity, only address those matters specified in the Plan.
- (v) A statement of consultation undertaken with Iwi authorities and affected parties, and the outcomes of that consultation, where consultation and/or affected parties consent is required.
Note: See Schedule 6.10 for issues regarding the Ngai Tahu Settlement Act 1998.
- (vi) Where an activity and/or building is proposed that will discharge effluent onto a site of less than 4000m² in an unreticulated area, a certificate is required from Council's Environmental Health Officer or from a person suitably qualified in effluent disposal which demonstrates that effluent can be safely disposed of within the site.
- (vii) Where any site or activity is located within an area prone or potentially prone to, natural hazards, the relevant hazard information and recommendation from the Otago Regional Council, and/or other relevant expertise.
- (viii) Where any site subject to an application in which it is intended to accommodate buildings to be used as living or work places for people, is subject to erosion, subsidence, slippage or inundation, a report from a person experienced and qualified in soils engineering (and more particularly land slope and formation stability) as to the suitability of the land for its intended purpose, and any restrictions or conditions that may be required on consent.
- (ix) A statement specifying all other resource consents that may be required from any consent authority in respect of the activity, and whether these have been applied for.
- (x) Where a heritage resource will be affected as a result of or is the subject of a resource consent application the following additional information will be required.

For applications affecting Archaeological sites:

- Applicants should check with the NZ Archaeological Association filekeeper for previous surveys of additional sites and with Iwi. Applicants should note that if an archaeological site is to be modified, an application must be made to the NZ Historic Places Trust for an authority to destroy, damage or modify the site.

For applications affecting Heritage Buildings and Structures:

- Applicants should consult with the NZ Historic Places Trust. A full description of the cultural heritage value of the place is required in addition to photographic documentation of any building fabric to be altered. Applicants may also be required to prepare a building report or heritage inventory for the building or structure or a conservation plan. A useful guide for preparing a conservation plan is the Historic Places Trust's document: "Guidelines for preparing a Conservation Plan" prepared by Greg Bowron and Jan Harris.

(xi) A plan, detailing the following information where it is relevant to the application;

- location
- dwellings
- farm buildings
- main fences
- vegetation and significant trees including listed trees, shelter belts and hedges.
- contour lines and/or spot heights (where appropriate)
- roads (legal boundaries and carriageways)
- existing easements, including rights of way and covenant areas
- farm effluent disposal systems and/or areas
- ponds and dams
- streams and rivers
- stop banks
- drains and swampy areas
- parking provision
- vehicular entrance - existing and proposed
- on site circulation
- known hazards, e.g. landslip
- internal races and tracks
- power lines
- services connections
- domestic septic tanks and effluent fields
- wells and boreholes
- lot boundaries
- existing boundaries between Certificates of Title
- vehicle manoeuvring spaces
- esplanade reserves and/or strips, access strips
- designations and other public works which affect the land
- airstrips
- railway lines
- heritage sites and/or archaeological sites
- areas of fill and excavation
- adjoining land uses
- any other relevant matters.

The plan shall be drawn to a common metric scale on a standard international paper size A1, A2, A3 or A4 showing topographic and relevant features on the land which are subject to, or may impinge on, or likely to be affected by the proposal. The plan shall show a north point, the date the plan was drawn, the plan title and the scale.

In respect of a **subdivision application**, the applicant shall submit 10 coloured A4 copies of the preliminary plan of subdivision which graphically illustrates the proposal. The following additional information shall also appear on a subdivision plan;

- the legal description of the land and adjoining parcels of land
- amalgamation conditions
- proposed esplanade reserves or esplanade strips
- proposed easements
- proposed covenants
- dimension and areas of proposed lots
- locality plan showing the site in part of the District.

Preliminary plans of subdivision and development site plans may be accompanied by an aerial photograph for the purposes of illustration but will not be accepted as the primary document because;

- (a) photographs cannot be readily reproduced
- (b) the details shown on the photographs can be easily obstructed by draughting information.

Subdivision applications should also outline the probable use of the land to enable Council to assess the suitability of the proposed subdivision.

- (xii) Where the activity may have an adverse effect on those matters listed in Sections 6, 7 and 8 of the Act, a specific statement specifying how such adverse effects will be avoided, remedied or mitigated.

REASON

Sound decision-making requires the inclusion of information relevant to the application and in a form which is readily understood. In the past, many applications have been inadequate in terms of the information submitted to describe the application. This can make the process costly and time-consuming.

3.1.4. FURTHER INFORMATION

Further information may be required from an applicant by Council where it is considered necessary to

- better understand the nature of the activity;
- to assess the effect it may have on the environment;
- to assess the ways in which adverse effects may be mitigated; or
- to assess how any subdivision resource consent application may affect any probable land use activity to follow.

The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment of effects. Such a report may be commissioned where;

1. the site or activity is subject to or potentially subject to a natural hazard, or
2. the activity involves the use or storage of a hazardous substance, or
3. the activity may, in the opinion of the Council, give rise to significant adverse environmental effects.

Before commissioning any such report Council will first notify the applicant and provide them with an opportunity to discuss the matter. Such a report will generally only be commissioned where the applicant is unable to provide satisfactory information or an independent opinion is considered necessary.